



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Art Unit: 1651  
NILSSON, Dan ) Examiner: AFREMOVA, V.  
Serial No.: 10/658,376 ) Washington, D.C.  
Filed: September 10, 2003 ) Date: June 5, 2006  
For: METABOLICALLY ENGINEERED LACTIC ) Docket No.: NILSSON=6B  
ACID BACTERIA AND THEIR USE ) Confirmation No.: 5425

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated January 5, 2006 of the Primary Examiner. The claims appealed are 6, 7, 9-11, 27 and 30.

The item(s) checked below are appropriate:

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☒ The fee has been calculated as shown below:  
☒ \$500.00  
☐ \$250.00 (small entity)  
☐ Not required (fee paid in prior appeal)
- ☒ Conditional Petition for Extension of Time  
If any extension of time for a response is required applicant requests that this be considered a petition therefor.
- ☒ Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Response filed within:	Response filed within:
<input type="checkbox"/> first - \$ 60.00	<input type="checkbox"/> first - \$ 120.00
<input type="checkbox"/> second - \$225.00	<input checked="" type="checkbox"/> second - \$ 450.00
<input type="checkbox"/> third - \$510.00	<input type="checkbox"/> third - \$1,020.00
<input type="checkbox"/> fourth - \$795.00	<input type="checkbox"/> fourth - \$1,590.00
month after time period set.	month after time period set.

☐ Less fees (\$ ) already paid for month(s)  
extension of time on .

☐ Check number in the amount of \$ is attached.

☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$950.00 is attached.

01 FC:1401  
02 FC:1252

500.00 OP  
450.00 OP

06/06/2006 SZENDIEI 00000073 10658376

USSN - 10/658,376

XX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

XX The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
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By 

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